

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re J. Ezra Merkin and BDO Seidman Securities
Litigation

Case No. 08 Civ. 10922 (DAB)

**DECLARATION OF DEMET BASAR IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION PURSUANT TO RULE 59(e) TO ALTER OR AMEND THE JUDGMENT**

1. I am a member of the law firm Wolf Haldenstein Adler Freeman & Herz LLP ("Wolf Haldenstein"), which represents co-lead Plaintiffs Jacob E. Finkelstein CM IRA Rollover Custodian and Nephrology Associates, PC Pension Plan in this action. Wolf Haldenstein was appointed co-lead counsel in this action, together with Abbey Spanier Rodd & Abrams LLP, which represents co-lead Plaintiffs New York Law School and Scott Berrie. I submit this Declaration in further support of the Plaintiffs' Motion Pursuant to Rule 59(e) to Alter or Amend the Judgment.

5. Annexed hereto as Exhibit A is the Decision and Award in *In the Matter of Arbitration Between: Moshael Straus, Claimant, and J. Ezra Merkin, Respondent*, 12-148-Y-001800-10, Oct. 12, 2011, an arbitration conducted with the American Arbitration Association ("AAA"), pursuant to the AAA Commercial Arbitration Rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of December, 2011, at New York, New York.

/s/ Demet Basar
DEMET BASAR